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Dated: September 19, 2008 Signature: /David A. Gass #38,153/
(David A. Gass)

Docket No.: 28113/39467A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kari Alitalo et al.

Application No.: 10/567,630

Confirmation No.: 2853

Filed: May 30, 2006

Art Unit: 1637

For: MATERIALS AND METHODS FOR
COLORECTAL CANCER SCREENING,
DIAGNOSIS, AND THERAPY

Examiner: C. B. Wilder

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election of species requirement set forth in the Office Action dated August 19, 2008, Applicants hereby elect species (c) the Beta-catenin/TCF signaling pathway for examination in the above-identified application. The Applicants agree with the U.S. Patent and Trademark Office that claims 34, 36 and 37 are drawn to the elected invention insofar as they specifically refer to a combination therapy that includes an inhibitor of the Beta-catenin/TCF signaling pathway. In addition, claims 17, 21, 22, 25-29, 33, 46, 68 and 70-76 all encompass the elected species insofar as they are generic to the elected combination therapy claims. Even the claims that read on non-elected combinations (31, 33, and 41) do not exclude the elected combination.

The Applicants traverse the election requirement insofar as it is premised on and characterized as a lack of unity requirement. All of the originally elected claims share the *common technical feature recited in claim 17*, for example, relating to the Prox-1 inhibitor. The fact that some of the *dependent* claims specify different *second* agents for

combination therapy does not change the fact that all of the originally elected claims have unity.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 13-2855, under Order No. 28113/39467A from which the undersigned is authorized to draw.

Dated: September 19, 2008

Respectfully submitted,

By /David A. Gass #38,153/
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